

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES

WASHINGTON, D. C. 20548

FILE: B-211546.2

DATE: June 8, 1983

MATTER OF: Art Anderson Associates--Request for
Reconsideration

DIGEST:

Prior decision which held that Department of the Navy was under no legal obligation to set aside particular procurement for small business concerns is affirmed because request for reconsideration contains no factual or legal grounds upon which decision should be reversed or modified.

Art Anderson Associates requests reconsideration of our decision in Art Anderson Associates, B-211546, May 6, 1983, 83-1 CPD ___, in which we held that the Department of the Navy was under no legal obligation to set aside request for proposals (RFP) N00406-83-R-1563 (Preparation of Technical Publications) for small business concerns. We affirm our prior decision.

We stressed in that decision that the Small Business Act, 15 U.S.C. § 637, et seq. (1976 and Supp. IV 1980), gives contracting officials wide discretion in deciding whether or not to set aside a particular procurement for small businesses. As we pointed out, there are only two situations in which an agency generally is required to set aside a procurement:

- (1) where a contract has an anticipated value of less than \$10,000 and is subject to small purchase procedures, and
- (2) where a product or service previously has been acquired successfully by a contracting officer on the basis of a small business set-aside.

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We denied the protest because neither of these situations existed.

Art Anderson now contends that there is no prior history of small business set-aside for this procurement because the Navy's Small and Disadvantaged Business Utilization Specialist had failed to exercise his responsibility to locate capable small businesses to perform the function in issue.

Our Bid Protest Procedures require that a request for reconsideration contain a detailed statement of the factual and legal grounds upon which reversal or modification of a prior decision is warranted, specifying any errors of law or information not previously considered. 4 C.F.R. § 21.9 (1983).

Art Anderson's complaint about the Navy's small business specialist does not alter the fact that there is no legal requirement to set this particular procurement aside for small businesses, since neither of the two specific situations discussed above is present. The firm thus has not raised any new facts or demonstrated any errors of law that would cause us to reverse or modify our May 6 decision. See Showcase Corporation--Reconsideration, B-205903.3, December 7, 1982, 82-2 CPD 508.

Our prior decision is affirmed.

for 
Comptroller General
of the United States